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09/846,741	05/01/2001	Jai Rawat	OBON0004	4472

22862 7590 03/02/2011	EXAMINER
GLENN PATENT GROUP	SHINGLES, KRISTIE D
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte JAI RAWAT, SILVIA DOUNDAKOVA, OSWALD D'SA,
JULIAN GORDON, RENUKA KULKARNI,
VIJAYASANKAR DHANAPAL, SRINIVAS GUBBALA,
SANTHOSH RAMAN, and RAJIV ANAND

_____

Appeal 2009-006807
Application 09/846,741
Technology Center 2400

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Before: JEAN R. HOMERE, CAROLYN D. THOMAS, and
DEBRA K. STEPHENS, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL[1]

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[1] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing,
as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE"
(paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery
mode) shown on the PTOL-90A cover letter attached to this decision.

Appellants appeal under 35 U.S.C. § 134(a) (2002) from a final rejection of claims 1-10. We have jurisdiction under 35 U.S.C. § 6(b) (2010).

We REVERSE.

Introduction

According to Appellants, the invention is a system and method for "parsing electronic correspondence, and more particularly to a method and system of recognizing selected forms of electronic correspondence and automating extraction, organization, and display of parsed data." (Specification 1).

STATEMENT OF CASE

Exemplary Claim(s)

Claim 1 is an exemplary claim and is reproduced below:

1.   A system for capturing electronic receipts from electronic mail messages comprising:

a first computer server configured for receiving a plurality of electronic mail messages and for parsing said electronic mail messages to identify a subset thereof which comprise commercial correspondence having commercial data related to a commercial transaction;

wherein said plurality of electronic mail messages comprises electronic mail messages comprising commercial correspondence and electronic mail messages not comprising commercial correspondence; and

> program code residing on said first computer server for
> creating receipt data by extracting said commercial data from
> said subset of electronic mail messages which comprise
> commercial correspondence.

Prior Art

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Sheldon   US 6,708,205   Mar. 16, 2004

Sheldon (Sheldon Provisional)
                                    US 60/269,284   Feb. 15, 2001
                                    (Provisional application of US 6,708,205)

REJECTIONS

Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sheldon. (Ans. 4-5).

GROUPING OF CLAIMS

Appellants argue all of the rejected claims 1-10 either directly or indirectly on the basis of claim 1 (App. Br. 10-14). We accept independent claim 1 as the representative claim. We will, therefore, treat claims 2-10 as standing or falling with representative claim 1.

ISSUE

35 U.S.C. § 102(e): claims 1-10

Appellants argue their invention is not anticipated by Sheldon because "[t]he provisional application [of Sheldon] does not disclose the subject

matter of the rejected claims" (App. Br. 10-14; Reply 4-7). Specifically, Appellants argue the Sheldon Provisional describes storing electronic messages in a database according to prefixes, delimiters, suffixes, alphanumeric, and numeric characters specified within the address (Reply Br. 5). Additionally, Appellants contend that the Sheldon Provisional does not filter third-party e-mail addresses but instead allows a user to have one e-mail system that generates multiple e-mail addresses for a user, filtering e-mails according to the suffix e-mail address specified by the user (App. Br. 11; Reply Br. 5 and 6). This allows a user to have e-mails automatically placed in specific directories (*id.*).

Appellants additionally argue the process of formatting a receipt by placing it in an e-mail is not extracting commercial data to create a receipt (Reply 6 and 7).

In response, the Examiner maintains the teachings of Sheldon on which the Examiner relies, are supported in the provisional application (Ans. 6). Specifically, the Examiner asserts the Sheldon Provisional teaches implementation of filtering methods based on suffixes and prefixes of third-party e-mail addresses and the suffix directory.

Issue 1: Has the Examiner erred in finding parsing said electronic mail messages to identify a subset thereof which comprise commercial correspondence having commercial data related to a commercial transaction?

FINDINGS OF FACT

Sheldon Provisional

1.   Every electronic messaging address, or referred to here as a "Suffix Directory", operates like an autonomous electronic message address with its own Read and Sent sub-directories and any other folders the user may create. The Inbox of any Suffix works in the same manner as the Root Inbox with one section for senders with "accepted" status and another for senders with "hold" status.

(Sheldon Provisional, pg. 49, ¶ 1).

ANALYSIS

We agree with the Appellants' contentions that the Examiner has not shown Sheldon Provisional discloses the disputed limitations (App. Br. 11-13 and Reply 4-7). The Examiner points to various portions of Sheldon Provisional to support the contention that the invention as recited in claim 1 is disclosed by Sheldon (Ans. 6 and 7). However, the Examiner does not fully explain how the variants of Sheldon Provisional anticipate identifying a specific type of correspondence (commercial) with specific type of data (commercial data related to a commercial transaction) (*See,* Ans. 6 and 7). The portions of Sheldon Provisional cited by the Examiner (Sheldon Provisional, pg. 7 , ¶¶1-5, pg. 11, ¶¶ 5, and pg.12, ¶ 4-pg.13, ¶ 2) describe variants that include displaying an e-mail address in a manner determined by prefixes within the address and creating an address comprised of requested information specified by prefixes. Additionally, the Examiner points to Sheldon Provisional's Suffix Directory as disclosing the disputed provisional.

However, we find that none of the cited portions describe parsing the electronic mail messages to identify a subset that comprises a specific type of correspondence that has specific type of data. Sheldon Provisional merely describes a filtering based on prefixes in the address of creating an address (FF 1 and Sheldon Provisional pg. 7, ¶¶1-5; pg. 11, ¶5; and pg. 12, ¶4 –pg. 13, ¶2) not on the specific type of correspondence or that a message has a specific type of data.

The rejection thus fails to demonstrate that Sheldon Provisional anticipates the subject matter of claim 1. "[A]bsence from the reference of any claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible, Inc.,* 793 F.2d 1565, 1571 (Fed. Cir. 1986) (citation omitted), *overruled on other grounds by Knorr-Bremse Systeme Fuer Nutzfahrzeuge GmbH v. Dana Corp.*, 383 F.3d 1337 (Fed. Cir. 2004). We, therefore, cannot sustain the § 102 rejection of claim 1 or commensurately recited claim 6, nor that of claims 2-5, which depend from claim 1 and claims 7-10 which depend from claim 6.

Accordingly, the Examiner has not shown claims 1-10 are anticipated by Sheldon or Sheldon Provisional.

<div align="center">DECISION</div>

The Examiner's rejection of claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by Sheldon is reversed.

<div align="center">REVERSED</div>

PL/erc

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